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Case No. GP-302115 (2760/56)  
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Filed: February 26, 2002  
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**REMARKS**

Claims 1–12 remain under consideration.

- A. Independent claims 1, 5, and 9 were rejected under 35 U.S.C. §102(e) as being anticipated by Kiel et al. (2003/0027549).

Claims 1–12 were rejected under 35 U.S.C. §102(e) as being anticipated by Kiel et al., US Patent Publication Number 2003/0027549 (hereinafter Kiel). This rejection is traversed.

"[F]or anticipation under 35 U.S.C. §102, a single reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present." [MPEP §706.02.] "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, USPQ2d 1913, 1920 (Fed. Cir. 1989).

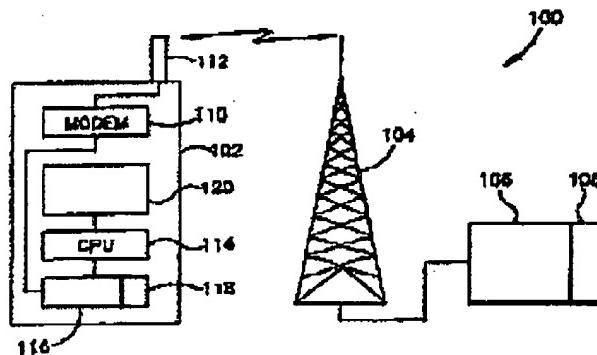
With regard to Applicants' independent claim 1, at a minimum, Kiel does not teach "transmitting the data encoding the purchased calling time from the portable networking device to an onboard system."

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The Examiner confuses two structures – the claimed “portable networking device” and the claimed “onboard system.” The Examiner’s attention is directed, inter alia, to FIG. 1 of the instant application. FIG. 1 illustrates portable networking device 130 and mobile vehicle 140 including an onboard system that includes a wireless transceiver 141 and a processor 142. The Examiner will notice that portable networking device 130 and onboard system 141/142 are not the same object and are entirely separate devices. Indeed, the specification defines portable networking device 130 as containing a “wireless transceiver capable of communicating with Internet access device 120 and with *an onboard system contained in mobile vehicle 140.*” (page 5, lines 18-20, emphasis added).

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To the contrary, Kiel discloses a single device 102 that receives prepaid credit. Specifically, the client's communication device of Kiel is provided with an activity monitoring unit that holds the client's credit data and applies such credit to permit communication activity by the client through the use of the client's communication device. See, e.g., Abstract of Kiel, and FIG. 1 of Kiel, reproduced below.



The Examiner indicates that the activity monitoring unit 116 that receives the data encoding purchased calling time is equivalent to the portable networking device, and argues that the client communication device is equivalent to the onboard system. Such a comparison is inapt, as the devices are not identical or even similar.

For example, the activity monitoring unit 116 is disclosed as a portion of the client communication device 102. In contrast however, the claimed portable networking device 130 does not include any ability to monitor any activity or usage of the encoded purchased calling time – notably, the portable networking device is not the device that will use the purchased calling time.

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The Examiner is alleging that subsystems of the client communication device 102 of Kiel are identical to the claimed portable networking device and onboard system. However, these structures are entirely different. Kiel does not even disclose an onboard system as claimed by the instant application.

Furthermore, Kiel teaches away from the desirability of using a portable networking device as an intermediary to an onboard system. In the claimed invention, data encoding the purchased calling time from a web site is saved on a portable networking device, prior to the transmission of the data from the portable networking device to an onboard system.

For at least the reasons shown above, Kiel does not teach every aspect of Applicants' pending independent claim 1. Therefore, the rejection of this claim must fall. Because Applicants' pending independent claims 5 and 9 stand rejected by the Examiner on the basis of containing the same limitations as claim 1, the rejection of these claims must also fall. Withdrawal of the rejections of independent claims 1, 5, and 9 under 35 U.S.C. §102(e) as being anticipated by Kiel is therefore respectfully requested.

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**B. Dependent claims 2–4, 6–8, and 10–12 were rejected under 35 U.S.C. §102(e) as being anticipated by Kiel et al. (2003/0027549).**

Claims 2–4 depend from independent claim 1, claims 6–8 depend from independent claim 5, and claims 10–12 depend from independent claim 9. Therefore, dependent claims 2–4 include all of the elements and limitations of independent claim 1, dependent claims 6–8 include all of the elements and limitations of independent claim 5, and dependent claims 10–12 include all of the elements and limitations of independent claim 9. It is therefore respectfully submitted by Applicants that dependent claims 2–4, 6–8, and 10–12 are allowable for at least the same reasons as set forth herein with respect to independent claims 1, 5, and 9. Withdrawal of the rejections of dependent claims 2–4, 6–8, and 10–12 under 35 U.S.C. §102(e) as being anticipated by Kiel is therefore respectfully requested.

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**CONCLUSION**

The Examiner's rejections have been obviated by the above remarks. The Applicants respectfully submit that claims 1-12 fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing remarks, favorable consideration and passage to issue of the present application are respectfully requested.

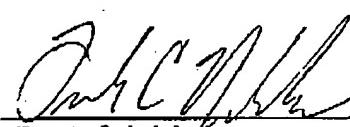
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